

P.J. DICK INCORPORATED

CONTRACT NO. V101CC0111

VABCA- 5836-5850,
5951-5965, 6017-6031,
6061-6075

VA MEDICAL CENTER
ANN ARBOR, MICHIGAN

William E. Dorris, Esq., Kirkpatrick Stockton LLP, Atlanta, Georgia, for the Appellant.

Kenneth B. MacKenzie, Esq., Trial Attorney; *Charlma J. Quarles, Esq.*, Deputy Assistant General Counsel; and *Phillipa L. Anderson, Esq.*, Assistant General Counsel, Washington, D.C., for the Department of Veterans Affairs.

ORDER ENTERING JUDGMENT

1. On cross-appeals by the parties, in *P.J. Dick Incorporated v. Principi*, 324 F.3d 1364 (Fed. Cir. 2003), the United States Court of Appeals for the Federal Circuit ("Court") affirmed-in-part, reversed-in-part, and vacated-in-part the Board's decision in *P.J. Dick Incorporated*, VABCA-5597, *et. al.*, 01-02 BCA ¶31,647, *mot. for recon. grntd.-in-part*, 02-1 BCA ¶31,732. The Court remanded these appeals to the Board to revise the amount of equitable adjustment due Appellant, P.J. Dick Incorporated (PJD), in accordance with its mandate.
2. The Court mandated that the Board recalculate the amount of the judgment in these appeals to include the daily home office overhead rate stipulated by the parties for the number of days of suspension of work found by the Board and to recalculate the number of days of suspension of work for the individual components of the "Combined Directives" claim (VABCA-5951-5965) using the Schedule Update current on the dates each individual action relating to the "Combined Directives" took place and, if necessary to recalculate the number of days of suspension of work to which Appellant was entitled resulting from other claimed suspending events included within these appeals.
3. Subsequent to the Court's decision, the parties, on November 19, 2003, filed a JOINT MOTION FOR JUDGMENT ON STIPULATED SETTLEMENT relating to these appeals. The MOTION encloses a STIPULATION OF SETTLEMENT, executed by the parties on November 13, 2003.

4. The parties recite that they have entered into a STIPULATION OF SETTLEMENT in the above-referenced appeals and jointly move that the Board enter JUDGMENT in the amount of \$625,000 plus interest in accordance with the *Contract Disputes Act of 1978*, 41 U.S.C § 601-613, commencing March 24, 1999, the date the contracting officer received Appellant's certified claim, and the bond adjustment to be determined at the time of final payment on Contract No.V101CC0111. Additionally, the Appellant waives any right it may have to make any claim for recovery of attorney fees and expenses under the *Equal Access to Justice Act*.

5. Inasmuch as the parties have stipulated the equitable adjustment due P. J. Dick Incorporated in the appeals in VABCA-5836-5850, 5951-5965, 6017-6031 and 6061 - 6075, their JOINT MOTION FOR JUDGMENT ON STIPULATED SETTLEMENT is **GRANTED**. Appellant is found entitled to \$625,000 plus interest and bond premium pursuant to the terms and conditions of the STIPULATION OF SETTLEMENT entered into by the parties.

IT IS SO ORDERED

DATE: **November 20, 2003**

RICHARD W. KREMPASKY
Administrative Judge